

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ALBERT WILLIAM BLEAU, JR.

Plaintiff,

v.

GREATER LYNN MENTAL HEALTH &
RETARDATION ASSOCIATION, et al.,

Defendants.

05-17-07 10:30:22

Civil Action No. : 04-10469JLT

REQUEST FOR
ORAL ARGUMENT
ATTACHED

DEFENDANTS RODERICK MACLEISH, JR. AND
ROBERT A. SHERMAN'S MOTION TO DISMISS

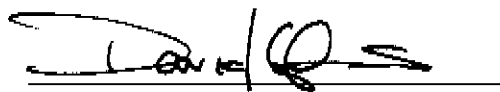
Pursuant to FED. R. CIV. P. 12(b)(6), defendants Roderick MacLeish, Jr. and Robert A. Sherman (together, the "Defendants") hereby move to dismiss the above-captioned action against them for failure to state a claim upon which relief can be granted. In support thereof, the Defendants state that (1) the Plaintiff failed to exhaust his administrative remedies with regard to his claims under the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, et seq. (the "ADA"); (2) to the extent the Plaintiff seeks to impose liability on the Defendants in their individual capacities, such an action is not cognizable under either the ADA or the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, et seq.; and (3) the Plaintiff's claims are time barred by the applicable statute of limitations. In further support of their motion, Defendants rely on the accompanying supporting memorandum of law, which is incorporated herein by reference.

WHEREFORE, Roderick MacLeish, Jr. and Robert A. Sherman respectfully request that this Honorable Court enter an order dismissing the Plaintiff's claims against them, with prejudice, and remove them from this lawsuit.

Respectfully submitted,

RODERICK MACLEISH, JR. and
ROBERT A. SHERMAN,

By their attorneys,

A handwritten signature in black ink, appearing to read 'David G. Thomas', is written over a horizontal line.

David G. Thomas, BBO #640854
Allison K. Jones, BBO #654804
GREENBERG TRAURIG, LLP
One International Place, 20th Floor
Boston, MA 02110
Tel: (617) 310-6000
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Dated: May 7, 2004

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

Defendants, by and through counsel, hereby certify that they have made good faith efforts to contact the Plaintiff in an effort to resolve or narrow the issues raised in the Motion.



David G. Thomas


Dated: May 7, 2004

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), the Defendants request a hearing on their motion to dismiss.

CERTIFICATE OF SERVICE

I, David G. Thomas, hereby certify that on May 7, 2004, I served the foregoing by first class mail, postage pre-paid, upon Albert W. Bleau, Jr., at 505 Paradise Rd., #208, Swampscott, Massachusetts 01907.



David G. Thomas

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